

Exhibit 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SUPERSPEED, LLC

vs.

IBM CORPORATION

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CIVIL ACTION NO. 2:07-CV-89

ORDER

Before the Court are IBM's Motion to Compel a Complete Response to its Interrogatory No. 3 (Dkt. No. 102) and Superspeed's Motion for Leave to Supplement its Infringement Contentions (Dkt. No. 103). The Court heard oral argument on the motions on December 11, 2008.

The Court grants the Motion to Compel (Dkt. No. 102) with limitations. The Court modifies Interrogatory No. 3 to read as follows:

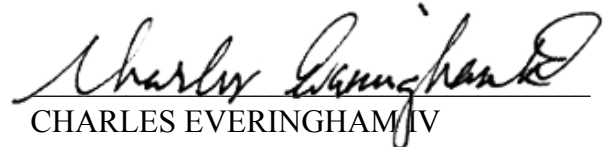
For each element of each claim of the SuperSpeed Patents (for both the asserted and unasserted claims), identify in claim chart form each part of the computer code of each SuperSpeed product that is intended to perform the function of that claim element, according to the form shown by the exemplary claim chart below.

The Court takes notice of an oral agreement made between the parties at the hearing concerning the scope of charting and relevant source code required to adequately answer the interrogatory. The Plaintiff is ordered to answer the modified interrogatory in accordance with the agreement within 45 days of the date of the hearing.

The Court grants SuperSpeed's motion for leave (Dkt. # 103). SuperSpeed may amend its Infringement Contentions to include claim 15 of the '767 patent and to the extent otherwise

sought in the motion for leave. The Court finds that IBM will suffer no prejudice as a result of such amendment.

SIGNED this 7th day of January, 2009.



CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE